



Matthew H. Mead, Governor

# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.*



Todd Parfitt, Director

**CERTIFIED MAIL**

October 27, 2014

Mr. Dave Palmer  
Palmer Construction  
1355 E. Teton  
Green River, WY 82935

***RE: Notice of Violation, Docket Number 5472-14***

Dear Mr. Palmer:

Attached is a copy of a Notice of Violation, Docket Number 5472-14, issued to Palmer Construction (Palmer) for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the River Cove Addition construction site. Violations at the site include the failure to obtain coverage under the general permit for large construction activities prior to the start of construction. Additional violations include failure to submit a storm water pollution prevention plan (SWPPP) and site map, failure to install effective best management practices (BMPs) to control storm water runoff, and failure to conduct inspections.

While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. Palmer shall submit all proper applications for a WYPDES storm water general permit authorization for large construction activities and comply with the permit requirements until the site has reached stabilization.
2. Palmer should install storm water preventative measures throughout the life of the project to ensure no sedimentation enters a water of the state.
3. Palmer should submit a current SWPPP and updated site map to WQD for review. This information should be received by the WQD on or before December 1, 2014.

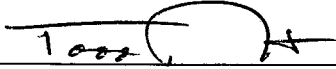
For questions pertaining to the required information and forms please visit the website at the link provided [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp)

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Palmer. If Palmer wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Natural Resource Program Supervisor, at (307) 777-8669 within 21 days of the date of this letter to set up a meeting to discuss this matter.

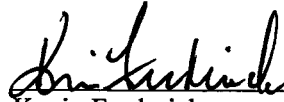
*Page L-1*



*Palmer Construction*  
*October 1, 2014*  
*Page L-2*



Todd Parfitt  
Director  
Department of Environmental Quality



Kevin Frederick  
Administrator  
Water Quality Division

Enclosure: Notice of Violation

TP/KF/KMW/bb/rm/14-0992

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill J. DiRienzo ► Kevin M. Wells (PDF)  
IPS (for scanning) ► Docket **5472-14**  
Landon Brown, DEQ Public Outreach (PDF File)  
DEQ Director

**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**STATE OF WYOMING**

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )

Mr. Dave Palmer )  
Palmer Construction )  
1355 E. Teton )  
Green River, WY 82935 )  
)  
)  
)  
)

**DOCKET NUMBER 5472-14**

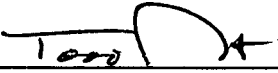
**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. On August 1, 2014 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) inspected the River Cove Addition construction site in Sweetwater County Wyoming. Concerns noted during the inspection included the failure to obtain storm water coverage under the Large Construction General Permit (LCGP). Palmer Construction failed to install effective best management practices (BMPs) to control sediment and erosion, has not stabilized disturbed slopes to prevent sediment from being transported into roadways or to surface waters of the state via storm drains, and has not completed required site inspections, which are all permit requirements.
2. Sediment runoff from disturbed construction sites is pollution as defined in W.S. 35-11-103 (i). Palmer’s failure to control sediment from leaving the site without authorization is a violation of W.S. 35-11-301 (a) which prohibits the discharge of any pollution into waters of the state without a permit.
3. The DEQ issued a Letter of Violation (LOV), dated August 14, 2014, along with a copy of the inspection report to your company and requested a written response within 30 days of the date of the letter. Palmer did not respond to the letter and failed to submit the requested information required by DEQ. To date the requested information required by DEQ has not been submitted by Palmer Construction.
4. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions.

**NOTHING IN THIS NOTICE OF VIOLATION (NOV)** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 28<sup>th</sup> day of October, 2014.



Todd Parfitt  
Director  
Department of Environmental Quality



Kevin Frederick  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells WYPDES Natural Resource Program Supervisor,  
Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor  
West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/rm/14-0992

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
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DEQ Director